

ARTICLE VII
PLANNED UNIT DEVELOPMENT

SECTION 28- 701 PLANNED UNIT DEVELOPMENT DISTRICT ("PUD")

A. PURPOSE AND INTENT

The purpose of a PUD District is to provide for carefully planned residential, mixed use and certain commercial developments at appropriate locations within the Town of Easton. It is the intent of this Section to allow all aspects of a PUD District to be subject to public review and control by the Town with specific provisions to be made on a case-by-case basis for adequate open space, architectural appearance, the height, bulk and location of buildings, required public facilities, and a variety of housing types, densities, and/or compatible commercial or industrial uses as a part of a detailed development plan.

A PUD is intended to allow the Town, at the request of an applicant, to set aside rigid underlying zoning rules in order to allow applicants to create special and unique developments by encouraging infill and by mixing and clustering, where appropriate, land uses and/or dwelling types and providing more usable recreation and open space. A PUD should create a more livable, affordable and sustainable Town of Easton. Starting from the baseline of underlying zoning requirements, an applicant to establish a PUD may be given increased development rights, such as increased density and height allowance, in return for providing benefits to the public found by the Town Council to be superior to those otherwise possible under underlying zoning.

Not all locations in the Town are suitable for PUD development and the nature, size, scale or intensity of proposed uses may cause a particular site not to be suitable for a specific PUD proposal. Therefore, there is no general presumption that an application for such a use at a particular location is valid, inures to the general benefit of the Town or is in compliance with the Town's Comprehensive Plan. Instead, each application will be evaluated according to its particular location and the degree to which the developer is willing or able to propose a development plan which furthers the goals and objectives of this Section and the Ordinance generally.

Further, not all PUD's are of the same nature. For example, a PUD proposed to be built on a large undeveloped parcel along a major highway is likely to be very different in both character and impact from an Infill PUD in or around Downtown. For this reason, this section establishes three PUD-Sub districts; (1) PUD-General, to accommodate creative use and design on relatively large and undeveloped parcels; (2) PUD-Infill, to facilitate flexible development that enhances the surrounding developed landscape; and (3) PUD-Redevelopment, to provide a mechanism to encourage and facilitate the imaginative and innovative reuse and redevelopment of existing developed sites, especially Major Retail and

1 Strip-Shopping Centers.

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3 B. LOCATION

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5 The PUD is a floating zone. That means that while provisions and regulations are
6 made to govern development within any PUD District, no such District will be
7 pre-mapped on the Zoning Map. A PUD District may be established in any
8 parent zoning district provided the requirements outlined in this subsection are
9 met.

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11 C. PRINCIPAL PERMITTED USES

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13 The following types of uses are permitted in a PUD District:

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15 (1) Residential uses of all types.
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17 (2) Commercial and industrial uses limited as follows:
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19 a. Where the PUD District is established in the A-1, G/I, or
20 any "R" District, commercial uses shall be oriented to
21 benefit the residents of the community and the Town.
22 Industrial uses are not permitted in PUD Districts
23 established within any "R" parent district. The following
24 commercial uses are prohibited in any residential district:
25 Major Retail, Shopping Center - Campus Style and
26 Shopping Center - Strip.
- 27
28 b. Where the PUD District is established in any "C" District,
29 all permitted and special exception commercial and
30 residential uses may be permitted. Major Retail and
31 Shopping Centers shall meet the supplemental standards
32 setout in section 1008. The Town Council may, in granting
33 a PUD application, permit specific industrial uses which
34 shall be limited to those permitted within the BC District.
- 35
36 c. Where the PUD District is established in any "I" District,
37 all commercial or industrial uses may be permitted.
- 38
39 (3) Any use listed in the Table of Uses as "Institutional,"
40 "Recreational/Entertainment" or "Miscellaneous".

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42 D. USES PERMITTED BY SPECIAL EXCEPTION

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44 Uses which are permitted in the underlying zoning district by special exception
45 shall be permitted in a PUD District provided that such uses are specifically
46 authorized by the ordinance establishing the PUD District or, in the case of a pre-

existing PUD District, such uses are approved by the Board of Appeals pursuant to the provisions of Section 1303 of this Ordinance.

E. USES PERMITTED WITH A TEMPORARY USE PERMIT

Temporary uses are permitted in a PUD District only if they are permitted within the parent district within which the PUD is established.

F. ACCESSORY USES AND STRUCTURES

Uses and structures customarily accessory and incidental to any principal permitted use shall be permitted.

G. DEVELOPMENT STANDARDS

Applications for any type of Planned Unit Development shall meet the following requirements:

- (1) The area proposed for a planned unit development shall be in one (1) ownership, or, if in several ownerships, the proposal shall be filed jointly by all the owners of the property included in the development plan.
- (2) The site shall be of a configuration suitable for the development proposed.
- (3) Public water and sewerage shall be available, although it may be made available in conjunction with the development of the PUD.
- (4) The site shall be located adjacent to adequate transportation facilities capable of serving existing traffic and that expected to be generated by the proposed development. Private roads may be approved if such roads will adequately serve the development. Such roads shall be internal to the development. Private roads shall comply with any standards developed and adopted for such roads by the Town Council. The Town shall bear no responsibility for construction or maintenance of private roads. Development on private roads may not be entitled to all Town services.
- (5) The owners or developers must indicate that they plan to begin construction of the development within two (2) years after final approval. If there is no action on the part of the applicant at any point in the process for a period of two (2) years, the zoning of the site shall revert to its previous classification unless a time extension is requested by the developer and granted by the Planning and Zoning Commission. For projects constructed in

1 parts or phases, the PUD approval applicable to any portion not
2 improved in accordance with said PUD approval, shall expire if no
3 development activity occurs for a period of five years.
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5 (6) The setback, lot size, lot coverage, height, minimum frontage,
6 minimum open space, and yard requirements shall be established
7 for each individual project by the Town Council in the ordinance
8 granting the application. The Planning and Zoning Commission
9 shall make recommendations to the Town Council with regard to
10 these requirements. The Town recognizes that it is necessary and
11 encourages such uniquely established standards.
12

13 (7) Off-street parking shall be provided for each individual use in the planned
14 unit development in accordance with the requirements of Section 1001.
15 Mixed-use PUD's that integrate coordinated pedestrian and bicycle
16 circulation systems throughout the development, shall be permitted to
17 reduce the required off-street parking by 20% of the required standard
18 without the need for a parking variance, waiver, or deferral.
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20 (8) No more than 50% of the off-street parking area for the entire property of
21 a major retail or shopping center use, shall be located between the front
22 façade of the principal building(s) and the primary abutting street.
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24 In addition, some development standards will vary according to the type of PUD
25 in accordance with the following Table:
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Standard	PUD Sub District		
	PUD- General	PUD - Infill	PUD- Redevelopment
Minimum Size*	5 acres	N/A	N/A
Maximum Size	N/A	5 acres	N/A
Maximum Residential Density (per gross residential acre)**	16 du/acre****	60 du/ac	30 du/ac
Minimum Open Space Requirement***	30% of total gross area shall be developed as recreational areas or designated for common use of the residents of the PUD	Open Space shall be that which is deemed adequate by the Town Council. In addition, landscaping shall be provided to enhance the project and advance the degree to which the infill project blends in with surrounding properties.	10% of total gross area shall be devoted to recreational areas when residential development is a component of the redevelopment. Common Open Space in the form of Site amenities such as plazas, squares, etc., shall be provided as deemed appropriate by the Town Council for projects which include or maintain a Commercial element
Applicability	Lands not qualifying as Infill or Redevelopment	Lands within the area indicated on Map 7-1	Any site where the existing land use is commercial, industrial, institutional, or multifamily residential and existing site impervious area exceeds 40%

1 * - Smaller sites may be permitted when it is found that the proposed PUD is
2 compatible with existing development in the area and does not disrupt the orderly
3 expansion of the transportation system of the Town.
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5 ** - The Town Council may consider projects with a density of up to 25% more
6 than the maximum stated in this table upon a finding that such increased density is in
7 keeping with the existing or intended character of the neighborhood (as expressed in the
8 Comprehensive Plan or, if applicable, any adopted Small Area Plans) and that any
9 potential detrimental impacts from such increased density are ameliorated to the
10 satisfaction of the Council. Additionally, if residential use is part of a vertically-mixed
11 use project (i.e., non-residential uses are present on the ground floor with residential
12 units on non-ground floors), there shall be no limit on the residential density.
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14 *** - The Town Council may consider projects with less than the minimum open
15 space required as specified in this Table, upon a finding that unique circumstance or
16 conditions exist which warrant such a reduction and further provide that the applicant
17 addresses the open space requirement in another acceptable means.
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19 **** - In the PUD General sub district, for any residential units proposed in
20 excess of the maximum residential density permitted in base residential zoning districts
21 (3.5 du/ac), at least 25% must be devoted to affordable housing, or the developer may
22 contribute a fee-in-lieu to an entity to be determined by the Town.
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24 25 H. APPLICATION PROCEDURES 26

27 The following procedures shall be followed with respect to all applications for
28 PUD District Zoning:
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- 30 (1) The application for PUD District zoning shall be accompanied by a
31 sketch plan prepared in accordance with the requirements as
32 specified herein.
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34 The sketch plan shall be to scale and contain sufficient information
35 to establish the identity of proposed uses in general terms (i.e.
36 residential, retail, office, etc. – the identity of specific tenants is not
37 required), grades and approximate dimensions, and locations of
38 proposed structures, streets, parking areas, walkways, easements
39 and property lines. It shall include the following information:
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- 41 a. Proposed development layout.
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43 b. Proposed reservations for parks, parkways, playgrounds,
44 school sites and other open spaces.
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46 c. Proposed location of commercial and industrial uses within

the PUD areas, including all associated off-street parking.

- d. Types of dwelling and portions of the area proposed therefore.
- e. Proposed location of dwelling and parking areas.
- f. A tabulation of the total number of acres in the proposed project and the percentage thereof designated for each of the proposed dwelling types, neighborhood retail businesses, other nonresidential uses, off-street parking, streets, parks, schools, and other reservations, including a tabulation of the gross square footage of all buildings by use.
- g. A tabulation of overall residential density per gross residential acre.
- h. Preliminary plans and elevations of the several dwelling types.
- i. Conceptual plan of proposed vehicular, pedestrian and bicycle circulation systems.
- j. Forest Stand Delineation as described in the Town of Easton's Forest Conservation Ordinance.
- k. A metes and bounds description of the area subject to the PUD application.
- l. A 3-dimensional depiction of the project in a manipulatable file format (e.g., Google Sketchup).
- m. A narrative description of how the proposed plan provides greater benefits to the Town than would development carried out in accordance with the underlying zoning requirements.
- n. A specific listing of any development standards that are proposed to be uniquely established (i.e., different than required by the base zoning district) for the PUD.

(2) Planning and Zoning Commission Review and Action.

The Planning and Zoning Commission shall review the material submitted and following the presentation from the applicant, shall

1 forward a recommendation to the Mayor and Town Council. The
2 Planning and Zoning Commission's transmittal to the Town
3 Council may include recommended changes to the PUD Sketch
4 Plan or recommended conditions of approval that the Commission
5 deems necessary to better insure compliance with the
6 Comprehensive Plan. In reaching its conclusion as to the merits of
7 the project, the Commission shall make recommendations
8 addressing the following:
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- 10 a. Whether the proposed PUD development conforms to the
11 Town of Easton Comprehensive Plan;
- 12 b. Whether the proposed PUD development conforms with all
13 provisions of the Town of Easton Zoning Code which are
14 not proposed for modification subject to the request;
- 15 c. Whether the proposed PUD development complies with all
16 Town engineering and design regulations and standards;
- 17 d. Whether the proposed PUD development complies with
18 any other applicable Town, County, State, or Federal
19 regulations, policies or plans, except those standards
20 proposed for modification. If the standards of any
21 jurisdiction other than the Town of Easton are proposed for
22 modification, any PUD project approval, should it
23 subsequently be granted by the Town Council, shall be
24 subject to the applicant successfully obtaining approval of
25 said modification and demonstrating proof of such approval
26 to the Town's satisfaction.
- 27 e. Whether the proposed PUD will be superior to or more
28 innovative than conventional development and how it will
29 provide greater public benefit without additional probable
30 significant adverse impacts to public health, safety or the
31 environment, than would be available through the use of
32 conventional zoning and/or development standards.

33 The Planning and Zoning Commission's initial review shall be
34 subject to the contiguous property notification requirements as
35 specified in Section 901.1 G of this Ordinance. Review of plans
36 which represent a resubmission based on Planning and Zoning
37 Commission comments shall not require new notification letters to
38 be sent for the subsequent meeting(s) unless said meeting occurs
39 six months or more after the Commission's meeting on the
40 previous submission.
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2 (3) Mayor and Town Council Action.
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4 A. Upon receiving the written report of the Planning and Zoning
5 Commission, the Town Council shall conduct a public hearing
6 upon the application for a PUD Map amendment. The Council
7 shall consider, but not be bound by, the recommendations and
8 comments of the Planning and Zoning Commission. The Town
9 Council shall make written findings of fact with regard to the
10 following matters:
11

- 12 1. Whether the proposed PUD development conforms to all
13 applicable standards set out in this Ordinance for such uses,
14 structures and projects;
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- 16 2. Whether the proposed PUD will be superior to or more
17 innovative than conventional development and how it will
18 provide greater public benefit without additional probable
19 significant adverse impacts to public health, safety or the
20 environment, than would be available through the use of
21 conventional zoning and/or development standards.
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- 23 3. Whether the Town Council concurs or differs with the
24 Recommendations submitted by the Planning and Zoning
25 Commission in conjunction with the application.
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- 27 4. Whether the proposed PUD development conforms to the
28 Town's Comprehensive Plan, including those provisions of
29 the Comprehensive Plan relating to the design and location
30 of commercial projects of a nature similar to those
31 proposed in the application;
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- 33 5. Whether the proposed PUD development, in conjunction
34 with existing and reasonably anticipated development in
35 the neighborhood surrounding the site for the proposed
36 PUD, will not interfere with the adequate and orderly
37 provision of public services to the area;
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- 39 6. Whether the proposed PUD development, in conjunction
40 with existing and reasonably anticipated development in
41 the neighborhood surrounding the site for the proposed
42 PUD development, will not cause unacceptable traffic
43 congestion or hazards either in or near the site for the
44 proposed PUD development or elsewhere in the Town or
45 Talbot County;
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7. Whether the proposed PUD development is planned in such a manner as to protect features of historical, cultural, or ecological importance;
 8. Whether the proposed PUD development is compatible with existing development in the surrounding neighborhood and with development reasonably anticipated to occur in the neighborhood in terms of size, scale, design, and appearance or, if the proposed PUD development is not so compatible, the proposed PUD design contains adequate screening, landscaping and similar features to protect the surrounding neighborhood; and
 9. Whether the proposed PUD development unreasonably adversely affects the value of property in the neighborhood surrounding the site.

In making findings of fact as to the issues set forth above, there shall be no general presumption that an application for a PUD use at a particular location is valid, is compatible with surrounding uses, inures to the general benefit of the Town or is in compliance with the Town's Comprehensive Plan. Instead, each application will be evaluated according to its specific development plan in its particular location.

B. If the Town Council makes an affirmative finding of fact as to each of the criteria listed above, the Council may enact an ordinance granting the proposed PUD application. The fact that an application for a PUD Zoning Map Amendment complies with the specific requirements listed above shall not require the Town Council to grant the application. The ordinance shall be subject to approval by the Mayor in accordance with the provisions of the Town Charter relating to mayoral vetoes. In determining whether or not to enact an ordinance, the Council may consider, in addition to the factors outlined above, other factors it deems appropriate including but not limited to the degree to which the proposed PUD development:

1. helps accomplish the coordinated, adjusted, and harmonious development of the Town and its environs in accordance with present and future needs;
2. promotes health, safety, morals, order, convenience, prosperity, and general welfare; including among other things, adequate provisions for traffic, the promotion of public safety, adequate provision for light and air,

1 conservation of natural resources, the prevention of
2 environmental pollution, the promotion of the healthful and
3 convenient distribution of population;
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5 3. exemplifies good civic design and arrangement and the
6 stewardship of the Chesapeake Bay and the land as a
7 universal ethic;
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9 4. encourages the conservation of resources, including a
10 reduction in resource consumption;
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12 5. is located in at a location suitable for it given existing
13 and reasonably foreseeable development; and
14

15 6. encourages appropriate and sustainable economic
16 growth.
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18 The "change/mistake" rule, as codified in Maryland Land Use Article Section 4.05 is not
19 applicable to PUD Zoning Map Amendment applications.
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21 The Town Council shall have the authority to impose conditions upon the grant of a PUD
22 Zoning Map Amendment application and may require the recordation of covenants and
23 restrictions, in a form approved by the Town Attorney, to assure compliance with said
24 conditions or with any of the provisions of the Ordinance.
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26 The Town Council's initial review shall be subject to the contiguous property notification
27 requirements as specified in Section 901.1 G of this Ordinance. Review of plans which
28 represent a resubmission based on Council comments shall not require new notification
29 letters to be sent for the subsequent meeting(s) unless said meeting occurs six months or
30 more after the Council's meeting on the previous submission.
31

32 Approved PUD applications shall require the execution of a Public Works Agreement
33 outlining the standards and responsibilities associated with the public works for the
34 proposed project. Such agreement shall be prepared in a format acceptable to the Town
35 Attorney.
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37 If the Town Council votes to deny the PUD application, no application for a PUD Zoning
38 Map Amendment will be accepted for filing by the Town for a period of one year after
39 the date of the Council's decision or the date of finality of any judicial review of the
40 Council's decision, whichever is later.
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42 (4) Site Plan Review and Action. Upon Mayor and Town Council
43 approval of a PUD District Zoning Map amendment, the applicant
44 shall prepare and submit a development and a final site plan or a
45 preliminary and final subdivision plat in accordance with the site
46 plan requirements specified in Subsection 901.3.B of this

Ordinance and/or the requirements of the Town of Easton Subdivision Regulations. The design of the preliminary and final site plan and/or subdivision shall be consistent with the ordinance granting the PUD application.

I. AMENDMENTS TO APPROVED PUD APPLICATIONS

A property owner of a site subject to a PUD District may request an amendment to the terms and conditions of the District. Any request for an amendment shall be in writing and shall include the information specified in §701.G. If the Town Planner determines that the proposed amendment (1) does not involve a material change to the design approved by the Town Council and (2) otherwise complies with the terms of this Ordinance, the amendment request shall be approved by the Town Planner. Any other amendment shall be subject to review by the Planning and Zoning Commission and Town Council according to the procedures set forth in this §801.

Material changes shall include the following:

- Proposed increase in residential density,
- Proposed increase of non-residential floor area (less than 5% increase above existing total approved for the building in question, as specified in the original PUD, may be considered non-material),
- Changes of use that are determined to be more intense,
- Elimination of an approved project amenity,
- Any proposed change which alters a condition of the PUD approval,
- Substitution of an amenity with a non-comparable amenity.
- Other changes of a similar scope or magnitude.

Non-material changes may include the following:

- Proposed substitution of species provided for landscaping (provided the new species serves the same function the original species was intended to serve).
- Relocation of residential units provided there are no environmental, traffic, etc., impacts as a result of such action.
- Relocation of site infrastructure (e.g. utilities, stormwater management) provided said relocation creates no adverse impact.
- Proposed change in architectural style or type from that which was indicated on approved PUD plans, subject to Planning Commission approval of said change (unless the PUD approval specifies a condition(s) concerning such architectural style or feature, in which case such a revision would constitute a material change).

- Addition of a park, open space or recreational amenity.
- Substitution of one project amenity with a comparable amenity.
- Other changes of a similar scope or magnitude.

If the Town Planner determines that a proposed amendment is a non-material change, he/she shall retain the right to have said amendment reviewed and approved/denied by the Planning and Zoning Commission.

All previously approved PMR (planned major retail) projects shall become PUDs and amendments to such projects shall follow the process outlined above.

1 Map 7-1
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2021 PUD Infill Area



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